

REMARKS

Claims 1-11 are pending in the application.

Claim 1 is amended to delete non-elected subject matter.

Claim 10 is amended to delete a typographical error.

Claims 2-6, and 8 are original as filed.

Claims 7, 9, and 11 are canceled for being drawn to a non-elected invention.

Claims 1-6, 8, and 10 would be all of the claims pending in the application if the instant amendment is entered.

Election/Restriction

As amended above, the claims are now directed to the previously elected invention of Group XXII, Claims 1-6 (in part) and 8-11 (in part), drawn to **D** in Formula I is monoazines (see for example, 5th-8th diradical groups on page 303), classified in class 546, subclass various.

In item 3 of the Office Action, the Examiner stated that the claims are examined only to the extent that they read on the elected invention. Original Claims 9 and 11 each contain a limitation of the compounds of Claim 7, which compounds the Examiner has already recognized in the Office Action are not being part of the elected invention. Accordingly, Applicants have canceled Claims 9 and 11.

Claim Objections

Claim 9 is objected to because of certain alleged informalities: It is alleged that Claim 9 is a duplicate of Claim 8, since Claim 9 depends on claim 8. Claim 9 is canceled, rendering the objection to Claim 9 moot.

Claim Rejections - 35 U.S.C. § 112

Claims 1-6 and 8-11 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner alleged that the term “substituted” in Claim 1 and claims dependent thereon is indefinite in the absence of the specific moieties intended to effectuate modification by the “substitution” or attachment to the chemical core claimed. Further, the Examiner alleged that the phrase “wherein each substituent on a carbon atom may further be independently F” is not clear, i.e., what is F?

Applicants respectfully traverse this rejection on the bases that Claims 9 and 11 are canceled, rendering the rejection of Claims 9 and 11 moot and that (a) the specific moieties referenced by the term “substituted” are defined in Claim 1 and claims dependent thereon by chemical name or structural formula; and (b) F clearly means fluoro, as is well known in the art.

The specific moieties referenced by the term “substituted” in Claim 1 are clearly defined by chemical name or structural formula on page 298, at line 27, to page 300, at line 3.

The substituent “F” in Claim 1 on page 297, at line 14, is fluoro. Applicants believe this would be clear on its face to a skilled artisan in view of the teachings of Examples 1 and 2. Examples 1 and 2 show substituents “F” in their structural formulas that are described in the chemical names as “fluoro” groups.

If Claim 1 is definite, then the claims dependent thereon are definite to the extent that the dependent claims incorporate subject matter from Claim 1. Accordingly, Applicants believe that Claims 1-6, 8, and 10 particularly point out and distinctly claim the subject matter which applicant regards as the invention,

and thus Claims 1-6, 8, and 10 are patentable under 35 U.S.C. § 112, second paragraph.

Supplemental Information Disclosure Statement

Applicants herein make available to the Patent and Trademark Office a Supplemental Information Disclosure Statement (IDS) on forms PTO/SB/08A and/or PTO/SB/08B and copies of the art cited thereon. Applicants include herewith a Fee transmittal authorizing payment of an IDS fee. Applicants respectfully request that the Examiner consider carefully the complete text of the cited reference(s) in connection with the examination of the above-identified application in accord with 37 CFR §1.104(a).

It is respectfully requested that all cited reference(s) considered by the Examiner be listed in the "References Cited" portion of any patent issuing from the instant application (MPEP § 1302.12).

Conclusion

In view of the above amendment and remarks, Applicants believe that the rejection and objection to Claims 1-6, 8, and/or 10 are overcome. Applicants request removal of the objection and rejection and reconsideration and allowance of Claims 1-6, 8, and 10.

Respectfully submitted,

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